

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-1350-GMS
)	
DR. SYLVIA FOSTER, NURSE)	
ASSISTANT ROBERT N. GRAY,)	
MR. JOHNSON 1, MR. JOHNSON)	
2, LANCE SAGERS, and DAVE)	
MOFFETT,)	
)	
Defendants.)	

CERTIFICATION

I, Nancy Rebeschini, Esquire, pro se law clerk, and designated officer for depositions upon written questions held before me on January 8, 2008, do here by certify that:

1. The deposition of the defendant, Robert N. Gray, was held on January 8, 2008, at 9:00 a.m., at the J. Caleb Boggs Federal Building, Wilmington, Delaware. Joseph Schoell, counsel for Robert N. Gray, David Moffett, and Lance Sagers, and Michael Ripple, counsel for Dr. Sylvia Foster were present at the deposition.

2. On that same date, Robert N. Gray declared before me, an individual authorized to administer oaths, that his written answers were true and correct.

3. I read aloud each and every deposition question submitted by the plaintiff, Jimmie Lewis, for the deponent, Robert N. Gray.

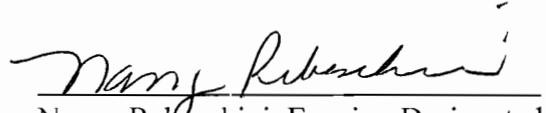
4. I personally observed the deponent, Robert N. Gray, answer, in writing, the deposition questions.

5. A true and correct copy of the written questions filed by the plaintiff, the original

written answers of the deponent, and written original objections made by counsel are attached hereto and are filed with the court, and copies shall be served upon the parties.

I, Nancy Rebeschini, certify under penalty of perjury that the foregoing is true and correct.

Executed this 14th day of January, 2008.


Nancy Rebeschini, Esquire, Designated
Officer

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

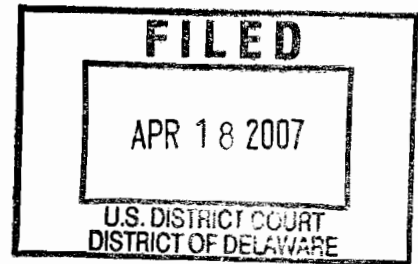
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JIMMIE LEWIS

V.

CA. NO. 04-1350 (GMS)

DR. SYLVIA FOSTER, ETAL.



WRITTEN DEPOSITION QUESTIONS
FOR DEFENDANT ROBERT GRAY # 1AA,
IN ACCORDANCE WITH THE HONORABLE JUDGE
GREGORY M. SLEET'S APRIL 9TH 07 ORDER
PURSUANT TO FED R. CIV P # 30

DATE: 4/16/07

Jimmie Lewis
SB1 # 506622
DEL. CORR. CENTER
1181 PADDOCK RD
SMYRNA, DEL 19977

1AA, p.1)

- 1.) WHO PROVIDES YOUR PHYSICAL SAFETY RESTRIANT TRAINING
- 2.) WHAT ARE YOU TAUGHT NOT TO DO WHEN PHYSICALLY RESTRAINING A PERSON.
- 3.) DATING FROM 5/21/04 TO 6/25/04 THE COURSE OF THE PLAINTIFF'S STAY AT THE DELAWARE PSYCHIATRIC CENTER, WOULD YOU SAY THAT THE PLAINTIFF DISPLAYED NO EVIDENCE OF MOOD DISORDER.
- 4.) DATING FROM 5/21/04 TO 6/25/04 THE COURSE OF THE PLAINTIFF'S STAY AT THE DELAWARE PSYCHIATRIC CENTER, WOULD YOU SAY THAT THE PLAINTIFF DISPLAYED NO EVIDENCE OF PSYCHOSIS.
- 5.) IF DR. SYLVIA FOSTER GAVE AN ORDER THAT CALLED FOR YOU TO 4 POINT RESTRIANT THE PLAINTIFF, AND YOU DID NOT COMPLY, COULD YOU POSSIBLE BE FIRED FOR NOT COMPLYING.

1 AA, P.2)

- 6.) DO YOU KNOW THE NAME OF ANY DELAWARE PSYCHIATRIC CENTER'S STAFF WHO YOU WITNESSED UTILIZE PHYSICAL FORCE TO SUBDUE AND OR RESTRAIN THE PLAINTIFF AT THE D.P.C DATING FROM 5/21/04 TO 6/25/04, IF YES, PROVIDE THE PLAINTIFF WITH THE FULL AND CORRECT NAME OF SAID D.P.C STAFF MEMBER OR MEMBERS.
- 7.) DURING THE PLAINTIFF'S STAY AT THE DELAWARE PSYCHIATRIC CENTER DATING FROM 5/21/04 TO 6/25/04, DO YOU BELIEVE DR. SYLVIA FOSTER HAD THE AUTHORITY TO ORDER THE PLAINTIFF JIMMIE LEWIS 4 POINT RESTRAINED.
- 8.) DURING THE PLAINTIFF'S STAY AT THE DELAWARE PSYCHIATRIC CENTER, DATING FROM 5/21/04 TO 6/25/04, DO YOU BELIEVE DR. SYLVIA FOSTER HAD THE AUTHORITY TO ORDER THE PLAINTIFF JIMMIE LEWIS TO BE INJECTED WITH PSYCHOTROPIC MEDICINE(S).

1 AA, P.3)

- 9.) DURING THE PLAINTIFF'S STAY AT THE DELAWARE PSYCHIATRIC CENTER DATING FROM 5/21/04 TO 6/25/04, DID YOU BECOME AWARE OF THE PLAINTIFF BEING 4 POINT RESTRAINED.
- 10) DURING THE PLAINTIFF'S STAY AT THE DELAWARE PSYCHIATRIC CENTER DATING FROM 5/21/04 TO 6/25/04, DID YOU BECOME AWARE OF THE PLAINTIFF RECEIVING INJECTIONS OF PSYCHOTROPIC MEDICINES.
- 11) REGARDING THE INCIDENT THE PLAINTIFF ALLEGEDLY CLAIMS OCCURED AT THE DELAWARE PSYCHIATRIC CENTERS MITCHEL BUILDING DINNING HALL DURING SNACK BREAK ON JUNE 14, 04, IN YOUR PROFESSIONAL OPINION SHOULD THE PLAINTIFF BEEN PLACED INTO ISOLATION FOR SAFETY.
- 12.) IN YOUR OPINION, WHY DO YOU THINK A PSYCHIATRIST WOULD ORDER A PERSON TO BE INJECTED WITH PSYCHOTROPIC MEDICINES.

1AA, P.4)

- 13) UP UNTIL TO DATE, WHY HAVN'T YOU SUBMITTED CLAIM THAT THE PLAINTIFF JIMMIE LEWIS ALLEGEDLY THREATENED YOU, WAS VERBALLY ABUSIVE AND OR PHYSICALLY ASSAULTED YOU SPECIFICLY DURING THE JUNE 14, 04 INCIDENT IN THE D.P.C'S MITCHEL BUILDING
- 14) UP UNTIL TO DATE, WHY HAVN'T YOU SUBMITTED CLAIM THAT THE PLAINTIFF JIMMIE LEWIS ALLEGEDLY THREATENED YOU, WAS VERBALLY ABUSIVE AND OR PHYSICALLY ASSAULTED ANY SPECIFICLY NAMED D.P.C PATIENT OR D.P.C STAFF MEMBER WHO WAS PRESENT DURING THE JUNE 14, 04 INCIDENT IN THE D.P.C'S MITCHEL BUILDING.
- 15) CAN YOU RECALL IF YOU HAD TO PHYSICALLY SUBDUE AND OR RESTRAIN THE PLAINTIFF JIMMIE LEWIS AT THE D.P.C'S MITCHEL BUILDING ON EITHER OF THE FOLLOWING DATES DURING HIS 5/21/04 TO 6/25/04 STAY AT THE DELAWARE PSYCHIATRIC CENTER:
6 / 6 - 13 - 14 AT OR ABOUT 8:00 PM, 14 AT OR ABOUT 11:00 PM, 15 - 21 - 22 - 24 / 2004. PLEASE SPECIFICLY NOTE SAID DATE AND OR DATES.

1AA, p.5)

16) YOU STATED ON OR ABOUT APRIL 9TH 07
THAT THE JUNE 14, 04 INCIDENT AT THE DPC'S
MITCHEL BUILDING DINNING HALL DURING
SNACK BREAK REGARDING THE PLAINTIFF
JIMMIE LEWIS OCCURED AT 8:45 PM.

TAKING INTO CONSIDERATION LANCE SAGERS
APRIL 9TH 07 STATEMENT, QUOTE.

I WAS AT LUNCH OUT OF THE MITCHEL
BUILDING FROM 8:00 PM TO 8:40 PM, UNQUOTE.

QUESTION, DOES YOUR CLAIM THAT THE
AFOREMENTIONED INCIDENT OCCURED AT 8:45 PM,
PLACE LANCE SAGERS INSIDE OF THE
MITCHEL BUILDING AT THE TIME YOU
STATED THE INCIDENT OCCURED

1AA, P.6

- 17.) ON OR ABOUT APRIL 9TH 07, YOU SUBMITTED A STATEMENT CLAIMING, QUOTE. I THEN PULLED LEWIS TOWARDS MY BODY, AND WE FELL TO THE FLOOR TOGETHER. ANOTHER STAFF MEMBER GRABBED LEWIS AROUND HIS LEG. ON THE FLOOR, I ASKED LEWIS IF HE WAS ALRIGHT. UNQUOTE. QUESTION, WHY DID YOU ASK THE PLAINTIFF IF HE WAS ALRIGHT.
- 18.) DURING THE JUNE 14, 04 INCIDENT AT THE D.P.C AT OR ABOUT 8:00 PM IN THE MITCHEL BUILDING'S DINING HALL DURING SNACK BREAK, DID YOU GRAB THE PLAINTIFF FROM THE FRONT OR THE REAR.
- 19.) ON OR ABOUT APRIL 9TH 07 YOU SUBMITTED A STATEMENT, QUOTE. I ASKED LEWIS IF HE WOULD CONTRACT FOR SAFETY, TO WHICH HE RESPONDED THAT HE WOULD, AT THAT POINT LEWIS AND I STOOD UP TOGETHER, AND OTHER STAFF ESCORTED HIM OUT OF MY PRESENCE, UNQUOTE. QUESTION, WHY DIDNT YOU ESCORT THE PLAINTIFF TO THE ISOLATION ROOM.

1.AA, P.7

20.) AT WHAT TIME AND DATE BETWEEN
THE DATES OF 5/21/04 AND 6/25/04,
DID YOU BECOME AWARE THAT
DR. SYLVIA FOSTER DIAGNOSED THE PLAINTIFF
AS MALINGERING, I.E., PRETENDING TO
BE MENTALLY ILL.

CERTIFICATE OF SERVICE

I, THE UNDERSIGNED PLAINTIFF JIMMIE LEWIS
DUE HE-REBY CERTIFY ON THIS 16TH, DAY OF APRIL,
2007, THAT I DID MAIL ONE TRUE AND CORRECT
COPY OF THE WRITTEN DEPOSITION QUESTIONS
FOR DEFENDANT ROBERT GRAY # 1AA,
BY U.S. POSTAL TO THE FOLLOWING:

CLERK OF THE COURT (GMS)
UNITED STATES DISTRICT COURT
844 N. KING ST, LOCKBOX 18
WILMINGTON, DELAWARE 19801

DATE: 4/16/07

Jimmie Lewis
SBI # 506622
DEL. CORR. CENTER
1181 PADDOCK RD
SMYRNA, DEL 19977

Robert N. Gray
Jan. 8, 2008

- # 1. ~~Detainee~~ D.P.C. training
- # 2 make sure restrains are not tight on patient arms or legs not to core.
- # 3 I'm not ~~the~~ Doctor.
- # 4 I'm not a Doctor.
- # 5 I ~~know~~ don't know.
- # 6 I ~~do~~ don't remember.
- # 7 yes
- # 8 yes
- # 9 yes
- # 10 only yes report change of shift
- # 11 yes
- # 12 because of behavior or harm to self or others.
- # 13 I wrote in Patient chart and talk with my supervisor about the pt. behavior.
- # 14 I wrote in Patient chart about incident on that date.
- # 15 ON 6-14 IN dining RM Pt. had to be restrained by staff because of behavior
- # 16 I don't know if Sager was in the building or not but he was in the break room or dining at that time
- # 17 because I and ~~the~~ ^{others} wanted to know if he was calm and for safety contract.
- # 18 ~~from the side of Patient~~ No! but from his side
- # 19 yes! I did, we a lot help to escort Pt. back to ~~with~~ Northside, because my back was hurting.
- # 20 I'm not a Doctor.

Robert N. Gray

Joseph Schoell
1/8/2008 - 9:50 am

Counsel for Messrs. Gray, Maffett and Sagers

Gray Questions - 4/16/2007

- #2) Objection to form - vague
- #3) Object to form of the question - calls for expert testimony beyond ~~the~~ witness's expertise
- #4) Object to form of question - calls for expert opinion beyond witness's expertise.
- #7) Object to the form of question - calls for expert opinion beyond witness's expertise.
- #8) Object to the form of question - calls for expert opinion beyond witness's expertise
- #11) Object to the form of question - calls for expert opinion beyond witness's expertise
- #12) Object to the form of question - calls for expert opinion beyond witness's expertise
- #13) Object to the form of question - vague and confusing / assumes facts not in evidence
- #14) Objection to the form of question - vague and confusing / assumes facts not in evidence

Gray Questions - page #2

#16) Object to form of question -- vague and confusing / compound

#20) Object to form of the question -- calls for expert testimony beyond witness's expertise and assumes facts not in evidence

Robert Gray

rep: Dr. Foster
9:50 a.m. 1/8/08

(1.)

(2.)

(3.)

(4.)

(5.) objection to form (Ripple)
vague, speculation

(6.)

(7.) objection to form (Ripple)
vague, speculation, calls for legal conclusion, lack of foundation

(8.) objection to form (Ripple)
vague, speculation, calls for legal conclusion, lack of foundation

(9.)

(10.)

(11.)

(12.)

(1.)

13.

14.

15.

16.

17.

18.

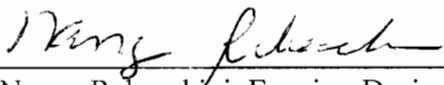
19.

20.

Objection to Form
witness lacks expertise to issue opinion
vague, lack of foundation

CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2008, I caused to be electronically filed the attached Certification with the Clerk of the Court using CM/ECF, which will send notification of such filing to counsel for defendants. I further certify I caused a true and correct copy of the attached Certification to be served via U.S. mail on the plaintiff, Jimmie Lewis, SBI #506622, Delaware Psychiatric Center, Mitchell Building, 1901 DuPont Highway, New Castle, Delaware 19720, and the defendant Brian Johnson, Delaware Psychiatric Center, 1901 N. DuPont Highway, New Castle, Delaware 19720.



Nancy Rebeschini, Esquire, Designated
Officer